IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7786 OF 2007

Bhalerao Arun Waman ....Petitioners

Versus

Gaikwad Pramod Ramchandra

and Ors. ....Respondents

S.G.Kudle for the petitioners.

Shrishail Sakhare for respondent no.1.

CORAM: S.C.DHARMADHIKARI, J.

23.11.2007

P.C. :

1. The order under challenge is an inter-locutory order.

2. Mr.Kudle’s apprehension is that by directing the election machinery to produce the election records, it should not be concluded that the case of the petitioners stands proved. In my view, this is an election

petition. The petitioner before the Trial court is disputing the election. The burden is upon him to show that the election is vitiated. Merely because the documents are directed to be produced, it does not mean that these allegations in the election petition are held to be proved. That will have to be done in accordance with law. The petitioners apprehension is therefore not well founded. In any event, the Trial Court to deal with the election dispute on its own merits and in accordance with law and not being influenced only by the direction to produce the record. Petition is dismissed. No costs.

sd/-

(S.C.DHARMADHIKARI,J)